

### REMARKS/ARGUMENTS

In response to the Office Action dated January 2, 2004, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-3 and 5-9 are pending. Claims 1-3 and 5-9 have been rejected. Claim 6 has been amended to reflect a minor amendment that was made along with the Request For Continued Examination (RCE) dated November 13, 2003. It is not clear whether such amendment has been entered. Claim 3 has been canceled and its features have been incorporated into independent claims 1 and 8. No new matter has been added.

The specification was objected to because of informalities. The specification has been appropriately amended. No new matter has been added.

The drawings have been amended to provide descriptions of elements 305, 315, and 350 in Figure 3. No new matter has been added.

Claims 1-3 and 5-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Duley (U.S. Patent No. 5,459,671) in view of Hansson (U.S. Patent No. 6,323,775). As noted above, claim 3 has been canceled (thereby obviating its rejection) and its features have been incorporated into claims 1 and 8. It is respectfully submitted that claims 1, 2, and 5-9 are patentable for the reasons set forth below.

Claims 1 and 8 include features that are neither disclosed nor suggested by the prior art, namely, as represented by claim 1:

A method for indicating the status of a battery in a portable computing device, the method comprising:  
retrieving battery status data from a basic input-output system (BIOS) on the computing device by an applications program initiating a BIOS interrogating routine to retrieve battery status, the battery status data reflective of a characteristic of the battery;  
comparing the retrieved battery status data to a predefined battery status threshold stored on the computing device; and  
based on the comparison of the battery status data to the predefined battery status threshold, providing a battery status indicator to the applications program on the computing device, wherein the applications program includes a user interface to a remote network, for integration into the user interface of the applications program. (emphasis added)

The present invention as claimed in claim 1 includes the feature of providing a battery status indicator to an applications program, having a user interface, that is running on a portable computing device. The user interface is an interface to a remote network and includes the battery status indicator. Such an integrated battery status indicator allows a user to continuously operate the applications program (i.e., the interface to the remote network), while simultaneously monitoring battery status, without the need to view a separate user interface.

As acknowledged by the Examiner, Duley fails to disclose “the application program including a user interface to a remote network for integration of the battery status indicator into the user interface of the application program” (Office Action, page 4, fifth paragraph). Duley merely discloses a programmable battery controller for controlling and monitoring a rechargeable battery. The controller includes a microprocessor that communicates with the BIOS, and provides a power control menu that displays battery data and allows a user to define power monitoring characteristics and enable an audible low battery warning. After the low battery warning is activated, the battery is fully discharged, and then recharged.

Hansson is directed to notifying a user of a portable electronic device of a “recharge notification”, when the battery capacity of the device falls below a predetermined level and the device is proximally located to a charging unit. The proximity of a charging unit may be detected by geographic positioning or by monitoring a short range radio interface (Abstract).

However, the recharge notification of Hansson is completely different from the battery status indicator of the present invention. The recharge notification of Hansson only activates when a recharge device is nearby and will not activate if a recharge device is not proximally available. This is completely different from the present invention in which the battery status indicator is provided regardless of the availability of a recharge device or alternate power supply. In fact, Hansson teaches away from the battery status indicator of the present invention, implying that indicators such as those provided by the present invention are irrelevant:

Another important technical advantage of the invention is that it provides a more relevant recharge notification to the user by notifying the user of a low battery condition at a time when and at a location where the user may take immediate appropriate action. Yet still another important technical advantage of the present invention is that it eliminates the need for the user to remember

a recharge notification received at a time when a charging unit is not readily available. (Hansson, column 2, line 66 – column 3, line 7).

Accordingly, one of skill in the art would have read Hansson and avoided providing the battery status indicator of the present invention and instead would have been motivated to provide a recharge notification only if a recharging device was nearby.

Similarly, one skilled in the art would not have been motivated to combine Hansson with Duley because Hansson considers Duley's low battery warning to be irrelevant as well. Moreover, Hansson and Duley are directed to solving two different problems. Hansson is directed to providing a recharge notification to the user only if a recharging device is available, whereas Duley is directed to "provid[ing] continually updated battery status information" regardless of the proximity or availability of a recharging device, such as AC wall adapter 49 (Duley, Abstract). The Office Action states that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the network interface design of Hansson into the system as disclosed by Duley for the purpose of providing recharge notification within range of the charging unit" (Office Action, page 4, fifth paragraph). However, it is respectfully submitted that after reading Duley and Hansson, one skilled in the art would have dismissed Hansson as being directed to a different problem (providing a notification when a recharger is nearby), and as providing an inoperable and unrelated solution to Duley's problem of providing a low battery warning signal.

Moreover, with respect to claim 1, the battery status data is retrieved by an applications program initiating a BIOS interrogating routine to retrieve battery status. This feature (from claim 3) is not taught or suggested by the prior art.

Independent claim 8 includes features similar to those described above with respect to claim 1. Based on the foregoing, claims 1 and 8 should not be rejected as being unpatentable over Duley in view of Hansson. Thus, claims 1 and 8 are patentable for the reasons set forth above.

Claims 2 and 5-7 depend on claim 1, and claim 9 depends on claim 8, and are thus patentable for the reasons set forth above. Withdrawal of the rejections of claims 1, 2, and 5-9 under 35 U.S.C. §103(a) is respectfully requested.

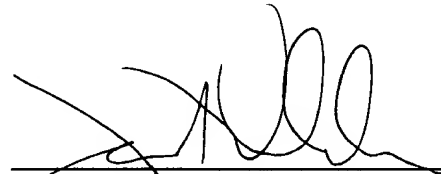
**DOCKET NO.:** BELL-0073  
**Application No.:** 09/822,913  
**Office Action Dated:** January 2, 2004

**PATENT**

Claims 1, 3, and 5-9 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting over certain claims of co-pending Application No. 09/822,912, which is assigned to the assignee of the present application. A terminal disclaimer to overcome the provisional double patenting rejection is being filed herewith.

In view of the above amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

Date: February 27, 2004

  
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Jonathan M. Waldman  
Registration No. 40,861

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439